

Minneapolis Planning Department

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MEMORANDUM

DATE: January 9, 2003

TO: Council Member Gary Schiff, Chair, Zoning & Planning Committee and
Members of the Committee

FROM: Nicole Peterson, City Planner

SUBJECT: Appeal of the decision of the Zoning Board of Adjustment by Chad
Faircloth

Chad Faircloth has filed an appeal of the decision of the Board of Adjustment to deny the requested variance to reduce the east interior side yard setback from the required 5 feet to 1-foot to allow the already constructed deck to remain at 530 36 ½ Avenue NE. The actions from the December 11, 2002 Zoning Board of Adjustment meeting are attached.

The applicant has indicated that the reason for appeal is disagreement with the Board's decision. The applicant concludes that there is neighborhood support for the project and that the deck is needed for drainage purposes.

Staff recommends denial of the appeal. Public Works reviewed the proposal and recommended a retaining wall or drain tile instead of the deck, to correct water seepage in the applicant's basement. The granting of this appeal may set an unwanted precedent for interior side yard clutter and potential fire hazards. Furthermore, despite the current neighborhood support, the welfare of the neighborhood may be compromised for future residents.

At the December 11, 2002 Zoning Board of Adjustment meeting, six Board members were present. Five of the six Board members voted to deny the interior side yard variance.